

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:18-CV-00091-WO-LPA

SHARON K. WHITEHEAD,)
Individually and as Executrix of the)
Estate of James T. Whitehead,)
Deceased,)
)
Plaintiff,)
)
v.)
)
AIR & LIQUID SYSTEMS)
CORPORATION, et al,)
)
Defendants.)

**DEFENDANT FISHER CONTROLS INTERNATIONAL LLC’S MOTION
FOR SUMMARY JUDGMENT**

Defendant Fisher Controls International LLC, by its undersigned attorneys, hereby moves, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an order granting it summary judgment on the grounds that there are no material issues of fact and it is entitled to judgment as a matter of law. First, this motion is made on the grounds that the Plaintiff’s evidence fails to meet the threshold requirements of actionable asbestos exposure identified in *Lohrmann v. Pittsburgh Corning Corp.*, 782 F.2d 1156, 1162-63 (4th Cir. 1986) and like cases, such that there is no genuine issue of material fact and Fisher is entitled to judgment as a matter of law.

Second, and alternatively, this motion is made on the ground that the Plaintiff’s claims are barred by the applicable statute of repose.

This motion is also made on additional alternative grounds that there is no proof supporting particular individual causes of action, as described in section V of

the brief filed in support of this motion.

This motion is based upon the pleadings, the affidavit(s) filed with this motion, and by those grounds, arguments and authorities that are contained in the Memorandum of Law filed contemporaneously herewith.

This the 16th day of March, 2020.

WOMBLE BOND DICKINSON (US) LLP

/s/ M. Elizabeth O'Neill

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*Attorneys for Defendant Fisher Controls
International LLC*

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on this day, I electronically filed the foregoing *Defendant Fisher Controls International LLC's Motion for Summary Judgment* with the Clerk of the United States District Court for the Middle District of North Carolina using the CM/ECF system which will send notification of such filing to all counsel of record.

Dated this 16th day of March, 2020.

/s/ M. Elizabeth O'Neill
M. Elizabeth O'Neill

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